

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
GREENVILLE DIVISION

Joel Clay Bracken,	)	
	)	
Plaintiff,	)	Civil Action No. 6:13-1377-TMC-KFM
	)	
v.	)	<b>ORDER</b>
	)	
Simmons First National Bank,	)	
	)	
Defendant.	)	
_____	)	

On May 21, 2013, the plaintiff, proceeding *pro se*, filed a complaint against the defendant pursuant to the Fair Debt Collection Act. (ECF No. 1.) In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02(B)(2), DSC, all pre-trial proceedings in this matter were referred to a magistrate judge. This case is now before the court on the magistrate judge's report and recommendation ("Report") addressing two motions: (1) the defendant's motion to dismiss for improper service of process (ECF No. 20) and (2) the plaintiff's motion to strike (ECF No. 29). (ECF No. 32.) The Report recommends denying both motions.

The magistrate judge makes only a recommendation to this court. That recommendation has no presumptive weight and the responsibility to make a final determination remains with this court. *See Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). Accordingly, the court may accept, reject, or modify, in whole or in part, the Report, or recommit the matter with instructions. *See* 28 U.S.C. § 636(b)(1). In addition, the court is obligated to conduct a *de novo* review of every portion of the Report to which a party specifically objects. Although neither party filed objections, as directed in the Report, the defendant filed a letter advising the court that counsel is authorized to accept service. (ECF No. 38).

After a thorough and careful review of the record, the court adopts the Report and incorporates it herein by reference. Accordingly, the defendant's motion to dismiss (ECF No. 20) is **DENIED**, and the plaintiff's motion to strike (ECF No. 29) is **DENIED**. Therefore, this matter is recommitted to the magistrate judge for service of process.

**IT IS SO ORDERED.**

s/ Timothy M. Cain  
United States District Judge

Anderson, South Carolina

September 16, 2013